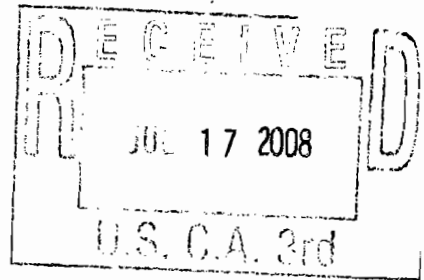


NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT



U.S. District Court for the District of Delaware

CIRCUIT COURT  
DOCKET NUMBER \_\_\_\_\_  
(leave blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

DISTRICT COURT  
DOCKET NUMBER: 08-356 JJF

Guwango Fitzgerald Curcio  
STATE OF DELAWARE ATTORNEY GENERAL OFFICE  
STATE POLICE TROOP 3  
And Department of Correction

DISTRICT COURT  
JUDGE: Joseph J. Farnsworth

Notice is hereby given that Petition Guwango Fitzgerald Curcio  
(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from [ ] Judgment, [ ] Order,  
[ ] Other (specify) \_\_\_\_\_

entered in this action on June 26 2008  
(date)

Dated: 7/15/08

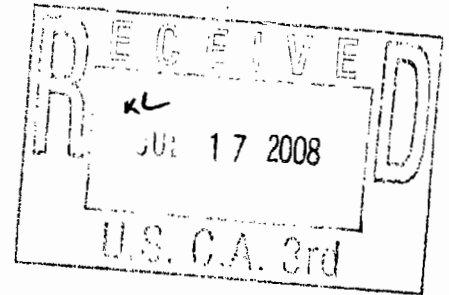
Guwango Curcio  
(Counsel for Appellant-Signature)

\_\_\_\_\_  
(Name of Counsel - Typed)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City, State Zip)  
\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Counsel for Appellee)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City, State Zip)  
\_\_\_\_\_  
(Telephone Number)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



GUANGO FITZGERALD CORREA, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No. 08-356-JJF  
 )  
STATE OF DELAWARE ATTORNEY )  
GENERAL OFFICER, )  
STATE POLICE TROOP 3, )  
DEPARTMENT OF CORRECTIONS, )  
 )  
Defendants. )

**FILING FEE ORDER**

1. The plaintiff Guango Fitzgerald Correa, SBI #0018087, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee.

2. Consistent with 28 U.S.C. § 1915(a)(1), the plaintiff submitted an affidavit stating that he has no assets with which to prepay the filing fee. Based on the plaintiff's affidavit, his request to proceed in forma pauperis is granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$350.00. In order to determine the schedule of payment of the filing fee, the plaintiff shall submit to the Clerk of Court, a certified copy of his trust fund account statement (memorandum or institutional equivalent, with attachments) showing all deposits, expenditures and balances during the six-month period,

immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined. **FAILURE OF THE PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.**

4. Unless the Court determines from the plaintiff's financial information that he has no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiff's average monthly deposit or average monthly balance in the trust fund account shall be required to be paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

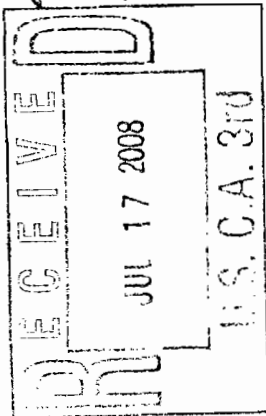
5. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED: June 26, 2008

  
United States District Judge

IM George Corra  
SBI# 00180807 UNIT C Building  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

U.S.M.S.  
X-RAY



United States Court of Appeals  
for the Third Circuit  
601 Market Street  
Philadelphia pa 19106

U.S.M.S.  
X-RAY

19106081725 0019

